

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the First Amended)
Accusation Against:)
)
)
STEPHEN FRANCIS MELCHER, M.D.) Case No. 02-2011-219000
)
Physician's and Surgeon's)
Certificate No. A-51177)
)
Respondent)
_____)**


DECISION

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on July 31, 2013.

IT IS SO ORDERED July 24, 2013.

MEDICAL BOARD OF CALIFORNIA

**By: 
Kimberly Kirchmeyer
Interim Executive Director**

1 KAMALA D. HARRIS
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 MARA FAUST
Deputy Attorney General
4 State Bar No. 111729
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5358
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation
12 Against:

Case No. 02-2011-219000

13 **STEPHEN FRANCIS MELCHER, M.D.**
14 **1775 11th Ave.**
Sacramento, CA 95818
Physician's and Surgeon's No. A 51177

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 PARTIES

20 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of
21 California. She brought this action solely in her official capacity and is represented in this matter
22 by Kamala D. Harris, Attorney General of the State of California, by Mara Faust, Deputy
23 Attorney General.

24 2. Stephen Francis Melcher, M.D. (Respondent) is represented in this proceeding by
25 attorney Robert J. Sullivan, whose address is Nossaman, LLP, 621 Capitol Mall, 25th Floor,
26 Sacramento, CA 95814

27 3. On or about September 8, 1992, the Medical Board of California issued Physician's and
28 Surgeon's License No. A 51177 to Stephen Francis Melcher, M.D. (Respondent). The Physician's

1 and Surgeon's was in full force and effect at all times relevant to the charges brought in First
2 Amended Accusation No. 02-2011-219000 and expired on July 31, 2012.

3 JURISDICTION

4 4. Accusation No. 02-2011-219000 was filed before the Medical Board of California
5 (Board), Department of Consumer Affairs. The Accusation and all other statutorily required
6 documents were properly served on Respondent on May 25, 2012. Respondent timely filed his
7 Notice of Defense contesting the Accusation. A First Amended Accusation was filed on March
8 28, 2013 before the Medical Board and is currently pending against Respondent. The First
9 Amended Accusation and all other statutorily required documents were properly served on
10 Respondent on March 28, 2013. A copy of the First Amended Accusation No. 02-2011-219000
11 is attached as Exhibit A and incorporated by reference.

12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in First Amended Accusation No. 02-2011-219000. Respondent also has
15 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
16 Surrender of License and Order.

17 6. Respondent is fully aware of his legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
19 his own expense; the right to confront and cross-examine the witnesses against him; the right to
20 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
21 the attendance of witnesses and the production of documents; the right to reconsideration and
22 court review of an adverse decision; and all other rights accorded by the California
23 Administrative Procedure Act and other applicable laws.

24 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
25 every right set forth above.

26 ///

27 ///

28 ///

1 CULPABILITY

2 8. Respondent admits the truth of the First Cause For Discipline in the First Amended
3 Accusation No. 02-2011-219000, namely a violation of 2236, 2232 and 2234, and agrees that
4 cause exists for discipline and hereby surrenders his Physician's and Surgeon's License No. A
5 51177 for the Board's formal acceptance.

6 9. Respondent understands that by signing this stipulation he enables the Board to issue
7 an order accepting the surrender of his Physician's and Surgeon's License without further process.

8 CONTINGENCY

9 10. This stipulation shall be subject to approval by the Medical Board of California.
10 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
11 Board of California may communicate directly with the Board regarding this stipulation and
12 surrender, without notice to or participation by Respondent or his counsel. By signing the
13 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
14 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
15 to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary
16 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
17 action between the parties, and the Board shall not be disqualified from further action by having
18 considered this matter.

19 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of
20 License and Order, including facsimile signatures thereto, shall have the same force and effect as
21 the originals.

22 12. In consideration of the foregoing admissions and stipulations, the parties agree that
23 the Board may, without further notice or formal proceeding, issue and enter the following Order:

24 ORDER

25 IT IS HEREBY ORDERED that Physician's and Surgeon's License No. A 51177, issued to
26 Respondent Stephen Francis Melcher, M.D., is surrendered and accepted by the Medical Board of
27 California.

28 ///

1 1. The surrender of Respondent's Physician's and Surgeon's and the acceptance of the
2 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
3 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
4 license history with the Medical Board of California.

5 2. Respondent shall lose all rights and privileges as a physician and surgeon in
6 California as of the effective date of the Board's Decision and Order.

7 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
8 issued, his wall certificate on or before the effective date of the Decision and Order.

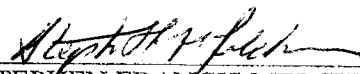
9 4. If Respondent ever files an application for licensure or a petition for reinstatement in
10 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
11 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
12 effect at the time the petition is filed, and all of the charges and allegations contained in
13 Accusation No. 02-2011-219000 shall be deemed to be true, correct and admitted by Respondent
14 when the Board determines whether to grant or deny the petition.

15 5. If Respondent should ever apply or reapply for a new license or certification, or
16 petition for reinstatement of a license, by any other health care licensing agency in the State of
17 California, all of the charges and allegations contained in Accusation, No. 02-2011-219000 shall
18 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
19 Issues or any other proceeding seeking to deny or restrict licensure.

20 ACCEPTANCE

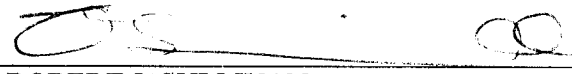
21 I have carefully read the above Stipulated Surrender of License and Order and have fully
22 discussed it with my attorney, Robert J. Sullivan. I understand the stipulation and the effect it
23 will have on my Physician's and Surgeon's License. I enter into this Stipulated Surrender of
24 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
25 Decision and Order of the Medical Board of California.

26
27 DATED: 17 June 2013


STEPHEN FRANCIS MELCHER, M.D.
Respondent

1 I have read and fully discussed with Respondent Stephen Francis Melcher, M.D. the terms
2 and conditions and other matters contained in this Stipulated Surrender of License and Order. I
3 approve its form and content.

4 DATED: 6/17/13



5 ROBERT J. SULLIVAN
6 Attorney for Respondent

6 ENDORSEMENT

7 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
8 for consideration by the Medical Board of California of the Department of Consumer Affairs.

9 Dated: 6/25/13

10 Respectfully submitted,
11 KAMALA D. HARRIS
12 Attorney General of California
13 GAIL M. HEPPELL
14 Supervising Deputy Attorney General

15 
16 MARA FAUST
17 Deputy Attorney General
18 *Attorneys for Complainant*

19 SA2012106209
20 10873645.doc

Exhibit A

Accusation No. 02-2011-219000

1 KAMALA D. HARRIS
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 MARA FAUST
Deputy Attorney General
4 State Bar No. 111729
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5358
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation
Against:

Case No. 02-2011-219000

13 **STEPHEN FRANCIS MELCHER, M.D.**
X-2874422
14 **Rio Cosumnes Correctional Center**
12500 Bruceville Rd.
15 **Elk Grove, CA 95757**

FIRST AMENDED ACCUSATION

16 **Physician's and Surgeon's No. A 51177**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Linda K. Whitney (Complainant) brings this First Amended Accusation solely in her
22 official capacity as the Executive Director of the Medical Board of California, Department of
23 Consumer Affairs.

24 2. On or about September 8, 1992, the Medical Board of California issued Physician's
25 and Surgeon's Number A 51177 to Stephen Francis Melcher, M.D. (Respondent). The
26 Physician's and Surgeon's number was in full force and effect at all times relevant to the charges
27 brought herein and expired on July 31, 2012.

28 ///

JURISDICTION

3. This First Amended Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2234 of the Code states:

"The Division of Medical Quality¹ shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical Practice Act]."

"..."

"(f) Any action or conduct which would have warranted the denial of a certificate."

5. Section 2236 of the Code states:

"(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

(b) The district attorney, city attorney, or other prosecuting agency shall notify the Division of Medical Quality of the pendency of an action against a licensee charging a felony or misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice shall identify the licensee and describe the crimes charged and the facts alleged. The prosecuting agency shall also notify the clerk of the court in which the action is pending that the

¹ California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical Practice Act (Cal. Bus. & Prof. Code, §§ 2000, et seq.) means the "Medical Board of California," and references to the "Division of Medical Quality" and Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

1 defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds
2 a license as a physician and surgeon.

3 (c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours
4 after the conviction, transmit a certified copy of the record of conviction to the board. The
5 division may inquire into the circumstances surrounding the commission of a crime in order to fix
6 the degree of discipline or to determine if the conviction is of an offense substantially related to
7 the qualifications, functions, or duties of a physician and surgeon.

8 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to
9 be a conviction within the meaning of this section and Section 2236.1. The record of conviction
10 shall be conclusive evidence of the fact that the conviction occurred.”

11 6. Section 2232 provides for the revocation of a physician’s and surgeon’s certificate for
12 any person who has been required to register as a sex offender pursuant to the provisions of
13 Section 290 of the Penal Code.

14 7. Section 2305 provides that the revocation, suspension, or other discipline, restriction,
15 or limitation imposed by another state upon a license or certificate to practice medicine issued by
16 that state, that would have been grounds for discipline in California of a licensee under this
17 chapter, shall constitute grounds for disciplinary action for unprofessional conduct against the
18 licensee in this state.

19 FIRST CAUSE FOR DISCIPLINE

20 (Conviction of a Crime that is a Registerable Sex Offense)

21 (Bus & Prof Code sections 2236, 2232, and 2234)

22 8. Respondent is subject to disciplinary action under sections 2236 (conviction of a
23 crime), 2232 (revocation of license for registerable sex offenses), and 2234 (unprofessional
24 conduct) in that on or about April 3, 2012 respondent did enter a plea of nolo contendere to a
25 felony charge of Penal Code section 288(a) (lewd and lascivious act upon a child under 14 years
26 old) in Sacramento Superior Court Case Number 11F08113. Penal Code section 288(a) is a crime
27 that is a registerable sex offense pursuant to the provisions of Section 290 of the Penal Code.

28 ///

1 SECOND CAUSE FOR DISCIPLINE

2 (Out of State Discipline)

3 (Bus & Prof Code section 2305)

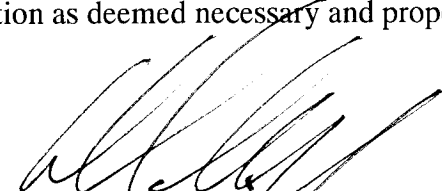
4 9. Respondent is subject to disciplinary action under section 2305 (out of state
5 discipline) in that on or about February 8, 2013, the Texas Medical Board accepted the voluntary
6 surrender of respondent's Texas medical License No. J-0120, in lieu of further disciplinary
7 proceedings, for having been convicted in a California court (Case number 11F08113) for
8 commission of a lewd and lascivious act on a child of eleven years of age. The Texas Medical
9 Board Order is attached hereto and incorporated herein by reference as Exhibit A.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Medical Board of California issue a decision:

- 13 1. Revoking or suspending Physician's and Surgeon's Number A 51177, issued to
14 Stephen Francis Melcher, M.D.;
- 15 2. Revoking, suspending or denying approval of Stephen Francis Melcher, M.D.'s
16 authority to supervise physician's assistants, pursuant to section 3527 of the Code;
- 17 3. Taking such other and further action as deemed necessary and proper.

18
19 DATED: March 28, 2013

20 
21 LINDA K. WHITNEY
22 Executive Director
23 Medical Board of California
24 Department of Consumer Affairs
25 State of California
26 Complainant

24 SA2012106209
25 31645292.docx

EXHIBIT A



TEXAS MEDICAL BOARD

March 6, 2013

Cyndie Kouza
Management Services Technician
Medical Board of California
2005 Evergreen Street, Suite 1200
Sacramento, CA 95815-3831

Re: Open Records Request Regarding Stephen Francis Melcher, M.D.

Dear Ms. Kouza:

We received your open records request on 3/6/2013. As you requested, enclosed are certified copies of the following documents:

Public Verification Printout(s)
Disciplinary Order(s)

Information regarding an application for license is confidential, pursuant to Previous Determination Letter Ruling OR2006-14198, dated December 4, 2006, from the Office of the Attorney General.

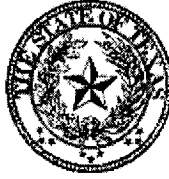
Information regarding an investigation of a license holder is confidential, pursuant to Previous Determination Letter Ruling OR2007-03117, dated March 22, 2007, from the Office of the Attorney General.

Please contact me if you need further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Gaby Loredo".

Gaby Loredo
Open Records Coordinator
TEXAS MEDICAL BOARD



Texas Medical Board

Mailing Address: P.O. Box 2018 • Austin, Tx 78768-2018
Phone (512) 305-7010

PUBLIC PHYSICIAN VERIFICATION AS OF 03/06/2013

NAME	MELCHER, STEPHEN FRANCIS, MD
LIC #	J0120
ID NUM	413251
ISSUE DATE	12/04/1991
EXPIRATION DATE	02/28/2012
BIRTH DATE	1962
BIRTH PLACE	PENNSYLVANIA
REGISTRATION STATUS	NOT ACTIVE
REGISTRATION STATUS DATE	02/19/2013
DISCIPLINARY STATUS	CANCELLED BY BOARD
DISCIPLINARY STATUS DATE	02/08/2013
LICENSE STATUS	
LICENSE STATUS DATE	
MEDICAL SCHOOL	UNIV OF TEXAS MEDICAL SCHOOL, HOUSTON
GRADUATION YEAR	1990
LICENSURE METHOD	EXAMINATION
PRIMARY SPECIALTY	PSYCHIATRY
SECONDARY SPECIALTY	PSYCHIATRY
MAILING ADDRESS	1775 11TH AVENUE SACRAMENTO, CA 95818-4140
PRIMARY PRACTICE SITE	6600 BRUCEVILLE ROAD SACRAMENTO, CA 95823

STATE OF TEXAS
COUNTY OF TARRANT

Gaby Laredo, County Clerk and ex-officio
agent of the State of Texas for the Board of Medical Examiners
and that this is a true and correct copy of the original as it
appears on file in this office.

Witness my official hand and seal of the Board
this 6th day of March 2013
Gaby Laredo
County Clerk of Tarrant County

DISCIPLINARY/LICENSURE RESTRICTIONS INFORMATION SHEET

TEXAS MEDICAL BOARD

03/06/2013

LICENSE NUMBER: J0120

MELCHER, STEPHEN FRANCIS, MD

CURRENT INFORMATION (PHYSICIAN):

REGISTRATION DATE/STATUS: 02/19/2013 NOT ACTIVE

DISCIPLINARY DATE/STATUS: 02/08/2013 CANCELLED BY BOARD

LICENSURE DATE/STATUS:

ON AUGUST 3, 2012, A DISCIPLINARY PANEL OF THE TEXAS MEDICAL BOARD TEMPORARILY SUSPENDED, WITHOUT NOTICE, THE MEDICAL LICENSE OF STEPHEN MELCHER, M.D., OF SACRAMENTO, CA, AFTER DETERMINING THAT DR. MELCHER POSES A CONTINUING THREAT TO THE PUBLIC WELFARE. IT IS ALLEGED THAT ON OCTOBER 11, 2011, DR. MELCHER MOLESTED AN 11-YEAR-OLD BOY DURING A DINNER PARTY AT HIS RESIDENCE AND AN ARREST WARRANT WAS ISSUED FOR DR. MELCHER, CHARGING HIM WITH THAT OFFENSE. ON MAY 25, 2012, DR. MELCHER ENTERED A PLEA OF NO CONTEST TO THE CHARGE OF FELONY SEXUAL ACT WITH A MINOR AND WAS SENTENCED TO ONE YEAR IN JAIL WITH A FIVE-YEAR PROBATIONARY TERM. MELCHER'S CALIFORNIA MEDICAL LICENSE WAS SUSPENDED IN JUNE. DR. MELCHER IS BOARD-CERTIFIED IN PSYCHIATRY. THE SUSPENSION REMAINS IN EFFECT UNTIL THE BOARD TAKES FURTHER ACTION.

ON FEBRUARY 8, 2013, THE BOARD AND STEPHEN FRANCIS MELCHER, M.D., ENTERED INTO AN AGREED ORDER OF VOLUNTARY SURRENDER IN WHICH DR. MELCHER AGREED TO SURRENDER HIS LICENSE AND CEASE PRACTICING IN TEXAS IN LIEU OF FURTHER DISCIPLINARY PROCEEDINGS. THE BOARD FOUND DR. MELCHER WAS CONVICTED IN A CALIFORNIA COURT FOR COMMISSION OF A LEWD AND LASCIVIOUS ACT ON AN 11-YEAR-OLD CHILD.

To review a copy of the Board Order(s), go to
<http://www.tmb.state.tx.us/agency/professionalinfo.htm>

and search the TMB Public Web Based Verification database for this individual. Once located, the record will provide a link to view the Board Order(s). Alternatively, you may submit a written request to the Texas Medical Board at the following address. For orders of 50 pages or more, a charge of .10 per page will be billed.

Following address. For orders of 50 pages or more, a charge of .10 per page will be billed

Texas Medical Board
Public Information Department, MC-251
P.O. Box 2018
Austin, TX 78768-2018
FAX: 512-463-9416

Board action information is updated on our computer system within 2 weeks following the board meeting at which the action was taken. To see the current board meeting schedule, please visit our web site at www.tmb.state.tx.us

Board action is not final until the appeals process is exhausted. The above-noted disciplinary status will indicate when the appeal process is complete.

STATE OF TEXAS
COUNTY OF TARRANT

I, Gaby Laredo, County Clerk of Tarrant County, Texas, do hereby certify that the above is a true and correct copy of the Board of Professional Conduct and that this is a true and correct copy of the original and repeats on two in duplicate.

Witness my hand and seal of office at the City of Fort Worth, Texas, this 11th day of March, 2013.
Gaby Laredo
County Clerk of Tarrant County, Texas

LICENSE NO. J-0120

**IN THE MATTER OF
THE LICENSE OF
STEPHEN MELCHER, M.D.**

**BEFORE THE DISCIPLINARY
PANEL OF THE
TEXAS MEDICAL BOARD**

ORDER OF TEMPORARY SUSPENSION WITHOUT NOTICE

On August 3, 2012, came to be heard before the Disciplinary Panel of the Texas State Board of Medical Examiners (the Board), composed of Melinda McMichael, M.D., Chair, Paulette B. Southard, and Patricia Blackwell (the Panel) duly in session, the matter of the Application for Temporary Suspension of the license of Stephen Melcher, M.D. (Respondent). Respondent did not appear and John Heisler represented Board staff. Based on evidence submitted at the hearing, the Board through the Panel makes the following Findings of Fact and Conclusions of Law and enters this Order of Temporary Suspension Without Notice:

FINDINGS OF FACT

1. Respondent is a Texas Physician and holds Texas Medical License Number J-0120, issued by the Board on December 4, 1991, which was in full force and effect at all times material and relevant to this Order.
2. At the direction and approval of a committee chair, member of the Executive Committee, or member of an ISC Panel, Irvin E. Zeitler, Jr., D.O., President of the Board, appointed the Panel to sit as a Disciplinary Panel in this matter, pursuant to TEX. OCC. CODE ANN. Title 3, Subtitle (the "Act") §164.059(a) and 22 TEX. ADMIN. CODE §187.56
3. On or about October 11, 2011, Respondent molested an 11-year-old boy during a dinner party at his residence and an arrest warrant was issued for Respondent charging him with that offense.
4. On or about May 25, 2012, Respondent entered a plea of no contest to the charge of felony sexual act with a minor and he was sentenced to one year in jail with a five-year probationary term.
5. Respondent's practice of medicine presents a continuing threat to the public welfare.

6. Based on the above Findings of Fact, the Panel, including at least one physician licensed to practice medicine in this state, finds that Respondent is a continuing threat to the public welfare and a real danger to the health of Respondent's patients or to the public from the acts or omissions of Respondent caused through Respondent's, impaired status, or imminent danger to the public.

7. Based on the above Findings of Fact, the Panel finds an imminent peril to the public health, safety, or welfare that requires immediate effect of this Order of Temporary Suspension on the date rendered.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Panel concludes the following:

1. Respondent's conduct, as described above, shows that Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare, as defined by Section 151.002(a)(2) of the Act.

2. Section 164.059 of the Act authorizes the temporary suspension or restriction of a person's medical license upon a determination by a Disciplinary Panel that the person would, by the person's continuation in practice, constitute a continuing threat to the public welfare.

3. 22 TEX. ADMIN. CODE, Chapter 187, sets forth the Board's Procedural Rules for all Board proceedings. 22 TEX. ADMIN. CODE, Chapter 187, Subchapter F sets forth the Board's Rules regarding temporary suspension proceedings.

4. Respondent has committed a prohibited act or practice within the meaning of Section 164.051(a)(1) based upon Respondent's violation of Section 164.052.

5. Respondent has committed a prohibited act or practice within the meaning of Section 164.051(a)(2)(A), based on Respondent's conviction of a felony.

6. Respondent has committed a prohibited act or practice within the meaning of Section 164.052(a)(5), based on Respondent's failure to practice medicine in an acceptable professional manner consistent with public health and welfare, as further defined by: Board Rule 190.8(2)(R)(iii), commission of any criminal violation of the Medical Practice Act or other statutes regulating or pertaining to the practice of medicine.

7. Respondent has committed a prohibited act or practice within the meaning of Section 164.051(a)(9), based on Disciplinary actions by another state board.

8. Respondent has committed a prohibited act or practice within the meaning of Section 164.057(a)(1)(A), which requires Suspension of a physician's license on proof that the physician has been initially convicted of a felony.

9. Based on the evidence presented and the above Findings of Fact and Conclusions of Law and Section 164.059, the Panel determines that Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Panel **ORDERS** that:

1. Respondent's Texas medical license No. J-0120 is hereby **TEMPORARILY SUSPENDED**.

2. This Order of Temporary Suspension (WITHOUT NOTICE OF HEARING) is final and effective on the date rendered.

3. This Order of Temporary Suspension shall remain in effect until it is superseded by an Order of the Board.

4. Notice of this Order of Temporary Suspension (WITHOUT NOTICE OF HEARING) shall be given immediately to Respondent.

5. A hearing on the Application for Temporary Suspension will hereby be scheduled before a Disciplinary Panel of the Board at a date to be determined as soon as practicable, at the offices of the Board, unless such hearing is specifically waived by the Respondent.

6. This Order of Temporary Suspension (WITHOUT NOTICE OF HEARING) shall remain in effect until such time as a hearing on the Application for Temporary Suspension (WITH NOTICE) is conducted and a Disciplinary Panel enters an order or until superceded by an Order of the Board.

Signed and entered this 3rd day of August, 2012.

STATE OF TEXAS
COUNTY OF TARRANT

Cathy Loreda
I, Cathy Loreda, County Clerk of Tarrant County, Texas, do hereby certify that the foregoing is a true and correct copy of the original as it appears on file in this office.

Melinda McMichael, M.D., Chair
Disciplinary Panel
Texas Medical Board

Witness my official hand and seal of the County of Tarrant, Texas, on this 3rd day of August, 2012.
Melinda McMichael
County Clerk

LICENSE NO. J-0120

IN THE MATTER OF
THE LICENSE OF
STEPHEN FRANCIS MELCHER, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER OF VOLUNTARY SURRENDER

On the 8th day of February, 2013, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Stephen Francis Melcher, M.D. ("Respondent").

By the signature of Respondent on this Order, Respondent waives the right to appear at an Informal Show Compliance Proceeding and Settlement Conference pursuant to Section 164.004, Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code and Board Rule 187.18 and all rights pursuant to Sections 2001.051 and 2001.054, Texas Government Code, including, but not limited to, the right to notice and hearing, and instead agrees to the entry of this Order to resolve matters addressed herein. Staff attorney, Craig R. Adams, prepared this Agreed Order of Voluntary Surrender.

With the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

FINDINGS

The Board finds that:

1. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the "Act") or the Rules of the Board.
2. Respondent currently holds Texas Medical License No. J-0120. Respondent was originally issued this license to practice medicine in Texas on December 4, 1991. Respondent is also licensed to practice in California.

3. Respondent is primarily engaged in the practice of psychiatry. Respondent is board certified by the American Board of Psychiatry and Neurology, a member of the American Board of Medical Specialties.

4. Respondent is 50 years of age.

5. Respondent is currently under investigation by the Board for having been convicted in a California court for commission of a lewd and lascivious act on a child of eleven years of age. Respondent's medical license was automatically suspended by the Medical Board of California on June 5, 2012. Respondent's medical license was temporarily suspended without notice by the Texas Medical Board on August 3, 2012.

6. By Respondent's signature on this Agreed Order, Respondent requests that the voluntary surrender of his Texas medical license be accepted in lieu of further disciplinary proceedings and that the voluntary surrender of his Texas medical license be effective on the date of the entry of this Agreed Order.

7. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.

2. Section 164.061 of the Act and 22 TEX. ADMIN. CODE 196.1 authorizes the Board to accept the voluntary surrender of Respondent's Texas medical license.

3. This Order is based on Findings Nos. 5 and 6 and the specific authority of Sections 164.051(a)(2) and 164.057(b) of the Act.

4. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that:

1. The voluntary surrender of Respondent's Texas medical license should be and is hereby accepted by the Board.
2. Respondent's Texas License No. J-0120 is, therefore, canceled.
3. Respondent shall immediately cease practice in Texas. Respondent's practice after the date of entry of this Agreed Order shall constitute a violation of this Order, subjecting Respondent to disciplinary action by the Board or prosecution for practicing without a license in Texas.
4. Respondent may not petition the Board for reinstatement of his Texas medical license until after one-year from the date of entry of this Agreed Order and may only petition the Board for re-instatement once every year after that. Reinstatement of Respondent's license will only be granted upon a demonstration that Respondent meets all the requirements for re-licensure, including those enumerated in Board Rules 167 and 196.
5. By this voluntary surrender of Respondent's Texas medical license, Respondent resolves any complaints currently before the Board.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

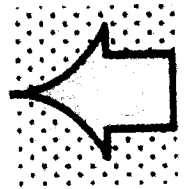
THIS ORDER IS A PUBLIC RECORD.

[SIGNATURE PAGE(S) FOLLOW]

I, STEPHEN FRANCIS MELCHER, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.




STEPHEN FRANCIS MELCHER, M.D.
Respondent



STATE OF California §
 §
COUNTY OF Sacramento §

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public,
on this 23 day of January, 2013.

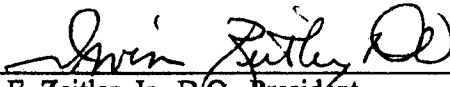


Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
8th day of February, 2013.



Irvin E. Zeitler, Jr., D.O., President
Texas Medical Board

STATE OF _____
COUNTY OF _____
I, Gaby Laredo, the duly qualified Assistant Custodian of Records for the Texas Medical Board, do hereby certify that this is a true and correct Copy of the original and appears on file in this office.

Witness my official hand and seal of the Board
this 16th day of March, 2013.
Gaby Laredo
Assistant Custodian of Records